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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,649	01/27/2004	Younger Ahluwalia	03398.000006.	4007
5514 7590 01/13/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
CHANG, VICTOR S				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
01/13/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**NOTE**

1. First, after a careful review, it is noted that the After Final amendment filed 7/29/2008 has been entered and considered, as stated in the Advisory mailed 9/5/2008 page 2, including responses to arguments. The examiner regrets an inadvertent error in checking the "will not be entered" in item 7 of the face sheet of page 1.

2. Applicants state at page 2

"Applicants appreciate the time extended by the Examiner on at least July 29, 2008 and November 19, 2008 to discuss the finality of the Office Action of April 29, 2008. During those conversations, the Examiner agreed that the finality of the Office Action of April 29, 2008 was improper. Accordingly, Applicants respectfully request that the Examiner re-open prosecution, vacate the Office Action of April 29, 2008, and issue a new Non-Final Office Action such that Applicants are afforded a full and fair opportunity to respond to the Office's new rejection rationale."

However, except an After Final amendment filed on 7/29/2008, there was no interview of record on 7/29/2008, nor the examiner has agreed that the finality of the Office action mailed 4/29/2008 improper. To the contrary, since the grounds of rejection remain unchanged, the examiner maintains that the finality is proper. Even if a new interpretation was reasoned in the Final action, since applicants' arguments have been considered in the Advisory mailed 9/26/2008, i.e., applicants have been afforded a full and fair opportunity to respond to the Final action, applicants' argument to the contrary is unpersuasive.